Municipal Affairs and Housing

Running for Municipal Office in Alberta

A Candidate's Guide

Alberta

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Before you file your nomination paper

Here are some things you should consider:

Are you qualified?

To become a candidate you must be at least 18 years of age on nomination day, a Canadian citizen and, you must have been a resident of the local jurisdiction for the 6 consecutive months preceding nomination day.

In a municipality with a ward system, you must have been a resident of the electoral division or the ward in which you intend to run for the same six-month period, except in the case of a City.

In a summer village, you must meet the eligibility to vote in the election requirement and have been a resident of Alberta for the 12 consecutive months immediately preceding election day.

Ineligibility for nomination

You would not be eligible to become a candidate under any of the following circumstances:

- if you are the auditor of the municipality
- if you are an employee, unless granted a leave of absence
- if your property taxes are more than $50 in arrears or you are in default, for more than 90 days, for any other debt in excess of $500 to the municipality.

If you are a judge, member of parliament, senator, or member of the legislative assembly, you must resign that position before you take office as a member of council.

Do you have the time?

The demands on your time will be heavy. You will be elected for a three-year term of office and during that time you will be required to attend:

- regular meetings of council
- council committee meetings
- meetings of other boards and agencies to which you are appointed as council's representative
- conferences, conventions, seminars, and workshops for training and discussion
- social and other events promoting your municipality.

You will also need to spend time reading material and talking with residents, the Chief Administrative Officer (CAO), and others. This will all be part of the necessary preparation for meetings so that you can make informed decisions. Don't forget the time you need for your personal life, work, etc.

Remuneration

Elected officials generally receive honoraria or other financial compensation for the time and energy they have devoted to their community. The remuneration varies in each municipality, so check with your local municipal office to find out about remuneration for elected officials in your area.

Do you understand the position?
As a member of council you will have the opportunity to significantly influence the future of your community. Your power as a member of council depends on your ability to persuade the other members of council to adopt your view. All decisions must be made at meetings, held in public, at which a quorum is present.

As an individual member of council you will not have the power to commit your municipality to any expenditure or to direct the activities of the municipal employees. Any promise you make as part of your election campaign that involves municipal expenditures or the activities of the employees, can only be carried out if you can convince a majority of council that it is a good idea.

Do you understand the powers of a municipal council?
The Canadian constitution delegates responsibility for municipal institutions to the provinces. Through a variety of legislation, the Alberta Legislative Assembly has delegated some of its authority to municipal councils. The act you will use most often is the ***Municipal Government Act***.

Are you familiar with local legislation?
Local legislation is in the form of bylaws that remain in effect until they are amended or repealed. You will not be starting with a blank slate and creating your ideal municipality from scratch. If you are running with some kind of reform in mind, you will have to become familiar with what exists, how it has been created – by bylaw, resolution or tradition – and why it exists, before you will be able to start discussing your changes.

Some examples of local documents you will often refer to are the Council Procedural Bylaw, Land Use Bylaw, the bylaws establishing the positions of the Chief Administrative Officer and the designated officers, and the Policy Manual.

Do you know how the municipality is administered?
As a member of council, it will be your duty to **establish** policy for your municipality. It is the job of the administration to **implement** the policy. Alberta municipalities have competent and dedicated administrators. You will need the support, advice and assistance of the CAO if you are to be an effective member of council. Their training, experience, and understanding of how and why things have developed as they have, will be an important resource for you.

What other information should you have?
The best way to find out what the job is all about is to spend some time reading council agendas and minutes, and talking to current members of council. Sit in on some council meetings. Talk to the CAO to find out what other information is available. This will help you in your campaign and will assist you in assuming office. If you don't do that kind of research now, you'll have to do it after you

are elected anyway, and you probably have more time now than you will if you are elected.

Ask how much time may be required for committee work and for council appointments to other boards and agencies, over and above the time required for regular council meetings. Remember, once you are elected you have a duty to your community.

Filing your nomination

Nomination form

Your nomination must be filed on the prescribed form. Your CAO, returning officer or city clerk will be able to tell you where to get a form and provide advice on filling it out.

Nominators

Your form must be signed by five people eligible to vote in the election. Cities with a population of at least 10,000 can pass a bylaw increasing that number to a maximum of 100 signatures. These people must be eligible to vote and residents in the local jurisdiction on the date of signing the nomination paper.

If you are running in a municipality with a ward system, the people signing your nomination form must be a resident in your electoral division or the ward in which you are running.

In a summer village, the nominators must be eligible to vote in the election, be 18 years of age, a Canadian citizen and named on the certificate of title as the person who owns property within the summer village or is the spouse or adult interdependent partner of the person named on the title.

For each nominator, the form must include that person's name, address (street address or legal description of residence) and signature.

Candidate

The nomination form states that you are required to make an affidavit saying that you are eligible for nomination, not otherwise disqualified from office, and that you will accept the office if you are elected. You must swear or affirm that affidavit before a Commissioner for Oaths or the returning officer. Ensure you are aware of the contents of Sections 12, 21, 22, 23, 47 and 151 of the *Local Authorities Election Act*.

Under the Criminal Code (Canada), it is an offence to make a false affidavit and it is punishable by up to 14 years imprisonment.

Filing the form

The completed form is to be filed with the returning officer between 10 a.m. and noon on nomination day, unless the municipality has passed a bylaw prior to June 30th in the year in which a general election is held, stating that the returning officer may receive nominations earlier than 10 a.m. The elected authority may also provide by bylaw, other locations, in addition to the

local jurisdiction office, where a deputy may receive nominations. The notice of nomination day will indicate where and when the returning officer will receive the nomination. This is usually at the municipal office but to make sure, check the notice or ask the CAO, returning officer or city clerk.

You may want to file the form in person, however, **anyone** can file it on your behalf as long as it is fully completed.

Ask your municipality for the date of nomination day!

Deposit

Your municipality may have passed a bylaw requiring that nominations be accompanied by a deposit. The amount fixed in the bylaw may not exceed $1000 in municipalities with a population of over 10,000, and up to $100 in all others. When you pick up the nomination form, be sure to ask if a deposit is required.

If a deposit is required, it must be paid when your nomination paper is filed. A deposit must be paid either by cash, certified cheque, or money order, payable to the municipality.

Your deposit will be returned to you if you are elected or if you get at least one-half the number of votes of the elected person to the office, with the least number of votes.

Withdrawing

Within 24 hours (48 hours in a summer village) of the close of nominations, you may withdraw your nomination form, provided that more than the required number of candidates have been nominated for the office you were seeking. The returning officer cannot accept your withdrawl if it would result in less than the required number of candidates.

If you wish to withdraw, you must provide a written notice to the returning officer.

Insufficient nominations

If the number of nominations filed is less that the number of vacancies in any particular office, the returning officer will be available the next day (and for up to six days) from 10 a.m. until noon to receive further nominations.

If, by noon on any of the days, the number of candidates nominated equals the number of vacancies in any particular office, nominations will be closed and the returning officer will declare the candidates elected by acclamation. That means the candidates are elected without the necessity of actually holding the election.

If more than the required nominations are received by noon on any of the days, nominations will be closed and the election will be held as originally planned.

In a summer village, the returning officer will announce the time and place when further nominations will be received.

No late nominations

The returning officer cannot accept nominations after noon on nomination day. **Be sure that your nomination paper is filed on time.**

After filing

Campaigning

You will want your campaign style to match your municipality, your personality and your resources. The purpose of campaigning is to convince the electors that you are the best candidate for the position. You may want to do that by talking to people, preparing brochures or posters, and/or advertising in the media. Following are some rules regarding proper campaign procedures.

Bribery

It is an offence to give or promise to give money or any other valuable consideration (such as an office or job) to anyone in return for their voting or refraining from voting at an election. It is also an offence for anyone to accept money or any other valuable consideration in return for voting or not voting.

Undue influence

It is an offence to use or threaten violence, injury, damage or intimidation to compel a person to vote or refrain from voting at an election or to obstruct a person from voting.

Allowable campaign expenses

The payment of the following expenses (related to the campaign) is not considered a contravention of the legislation:

- your personal expenses
- expenses related to setting up a campaign office and organization
- expenses for printing and advertising
- expenses for transportation.

An elected authority may, by bylaw passed prior to April 15 in a year in which a general election is held, require that candidates prepare and disclose to the public statements of all their campaign contributions and campaign expenses.

On election day

It is an offence to canvass or solicit votes in or immediately adjacent to a voting station. It is also an offence to display or distribute campaign material inside or on the outside of a building used for a voting station.

Official Agent

You are entitled to have one official agent or scrutineer at each voting station. Your returning officer will explain how official agents and scrutineers are appointed. An official agent or scrutineer must be at least 18 years of age.

Election day and later

Ask your municipality for the date of the election.

Your returning officer is available to explain the election process to you. All ballot boxes are kept in the control of the deputy returning officer in each voting station until the closing of the vote. The ballot boxes are sealed after the ballots are counted, then the secretary must store them sealed, in a protected area until the time when the ballot boxes and contents may be destroyed. Unofficial results may be made available during and following the counting. The official results are announced at noon on the fourth day after the election.

Term of Office

If you are elected in a general election, you will be expected to serve a three-year term. This term will officially begin at the organizational meeting of the council. In a by-election, you take office as soon as you take the oath of office. A term of office may be ended early by resignation or disqualification from office.

This guide is an information summary only and has no legislative sanction. For certainty, refer to the *Local Authorities Election Act* and the *Municipal Government Act*. Copies are available for purchase from Alberta Queen's Printer Bookstore.

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Appendix

Municipal Government Act

Section 3 Municipal Purposes

The purposes of a municipality are
(a) to provide good government,
(b) to provide services, facilities or other things that, in opinion of council, are necessary or desirable for all or a part of the municipality, and
(c) to develop and maintain safe and viable communities.

Section 153 General duties of councillors

Councillors have the following duties:
(a) to consider the welfare and interests of the municipality as a whole and to bring to council's attention anything that would promote the welfare or interests of the municipality;

(b) to participate generally in developing and evaluating the policies and programs of the municipality;

(c) to participate in council meetings and council committee meetings and meetings of other bodies to which they are appointed by the council;

(d) to obtain information about the operation or administration of the municipality from the chief administrative officer or a person designated by the chief administrative officer;

(e) to keep in confidence matters discussed in private at a council or council committee meeting until discussed at a meeting held in public;

(f) to perform any other duty or function imposed on councillors by this or any other enactment or by the council.

Section 154 General duties of chief elected official (Mayor or Reeve)

(1) A chief elected official, in addition to performing the duties of a councillor, must

(a) preside when in attendance at a council meeting unless a bylaw provides that another councillor or other person is to preside, and

(b) perform any other duty imposed on a chief elected official by this or any other enactment or bylaw.

(2) The chief elected official is a member of all council committees and all bodies to which council has the right to appoint members under this Act, unless the council provides otherwise.

(3) Despite subsection (2), the chief elected official may be a member of a board, commission, subdivision authority or development authority established under Part 17 only if the chief elected official is appointed in the chief elected official's personal name.

Section 201 Council's principal role in municipal organization

(1) A council is responsible for
(a) developing and evaluating the policies and programs of the municipality;

(b) making sure that the powers, duties and functions of the municipality are appropriately carried out;

(c) carrying out the powers, duties and functions expressly given to it under this or any other enactment.

(2) A council must not exercise a power or function or perform a duty that is by this or another enactment or bylaw specifically assigned to the chief administrative officer or a designated officer.